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OFFICE OF PETITIONS

In re	:
Shinya Matsui	:
Application No. 10/736,746	: DECISION ON APPLICATION
Filed: December 17, 2003	: FOR PATENT TERM ADJUSTMENT
Patent No. 6,890,069	:
Issued: May 10, 2005	:

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(d)", filed June 24, 2005. Patentee requests that the determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from zero (0) days to eighty-four (84) days.

The application for patent term adjustment is **DISMISSED**.

On May 10, 2005, the above-identified application matured into U.S. Patent No. 6,890,069. The patent issued with a Patent Term Adjustment of zero (0) days (84 days of PTO delay reduced by 120 days of applicant delay).

Patentee asserts that he should not have been assessed Applicant delay of one hundred twenty (120) days for the submission of a "Request for Corrected Notice of Allowability" on October 7, 2004, after the mailing of the Notice of Allowance. Patentee states while he included a claim to priority when the application was filed on December 17, 2003, "neither the Notice of Allowance nor any prior communication from the PTO acknowledged receipt of the certified copy." Accordingly, in order to gain acknowledgment of receipt of the certified copy, applicant filed the "Request for Corrected Notice of Allowability". Patentee argues that this submission should not be considered a failure to engage in reasonable efforts to conclude processing or examination of the application.

The argument is not well-taken. Applicant had a prior opportunity to request acknowledgment of the priority claim when on May 24, 2004, he filed a response to a Restriction Requirement mailed on April 22, 2004.¹ A review of the May 24, 2004 response does not indicate that Applicant made the request at that time.

Receipt of the \$200.00 fee set forth in 37 C.F.R. § 1.18(e) is acknowledged.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.

Karin Ferriter

[Signature]
Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

¹ Made timely by the fact that May 22, 2004 and May 23, 2004 fell on a Saturday and Sunday, respectively. See 37 C.F.R. § 1.7(a).